

VIRGINIA COMMISSION ON YOUTH

Study of Juvenile Offender Re-entry EDUCATION AND WORKFORCE DEVELOPMENT SUBCOMMITTEE

5th Floor Conference Room
General Assembly Building
August 4, 2010
1:30 p.m.

MINUTES

Attending:

Lisa Bennett, Cynthia Cave, Marianne Feeney, Tracey Jenkins, Andrea McMahon, Dennis Moore, Jacqueline Nelson, Patrick Plourde, Richard Swan, Kathy Thompson, Lawrence Wilder, Jr.

Participating Electronically:

Delegate Anne Crockett-Stark, Ryan Zuidema, Sheriff McCabe

Absent:

Senator Yvonne Miller, Delegate Brink, Jeffrey Auxier, Alberta Person, Adrienne Stephenson

Staff Attending:

Amy M. Atkinson, Leah Hamaker, Lindsey Strachan

Members of Public:

Deron Phipps, Jessica Jones, Norma Murdoch-Kitt, Richard Gergely, Edie Patterson, Rita Evans,

Welcome, Agenda Overview, and Meeting Objectives

Amy Atkinson, Commission on Youth Executive Director, called the meeting to order at 1:30 p.m. She informed attendees that this subcommittee was one of four formed to address topics identified by the Advisory Group. Each subcommittee is comprised of Advisory Group members and others with subject-matter expertise or those with an interest in the issue. Ms. Atkinson then reviewed the agenda and the objectives for the meeting.

Barriers and Recommendations

The subcommittee identified and discussed the following issues related to education and workforce development:

Issue 1

Juveniles in the custody of the Department of Juvenile Justice (DJJ) may be encouraged to obtain a GED rather than graduate with a high school diploma.

- Virginia's re-enrollment regulations were promulgated to ensure continuity in education services once a juvenile is released. Re-enrollment regulations require that the juvenile be re-enrolled in school 2 days after release from DJJ. These regulations also specify that services will be provided based on the needs of the juvenile.
- The re-enrollment regulations specify that re-enrollment planning is to commence once the juvenile is committed to DJJ.

- DJJ's Reception and Diagnostic Center (RDC) receives the juvenile's academic record from the juvenile's home school at intake and the juvenile then receives a comprehensive assessment. RDC and Department of Correctional Education (DCE) staff review the juvenile's assessment, school record and existing educational track, along with any disciplinary activity (e.g., suspension or expulsion). The juvenile spends 4 weeks at the RDC. There are endorsed teachers at the RDC for remediation.
- The DCE strives to keep the juvenile on same educational track: modified; standard; or special diploma, as they were prior to their commitment. However, it is not uncommon for the juvenile to be very behind in credits. In addition, older juveniles may have reading levels at a elementary grade level.
- A juvenile in the custody of DJJ is required to attend summer school to earn credits or to take electives or CTE classes. Juveniles can complete their coursework in June and in August. The juvenile can restart in August.
- The juvenile is assessed and staffed according to their individual needs. Other variables are considered such as reading level and seat time. If the juvenile is age 17 at release and has a 3rd grade reading level, it is important to note that juvenile was several grade levels behind before DCE received them. These juveniles are unable to test for the GED.
- The juvenile may also be provided with remediation. If the juvenile has a break in education services, a waiver can be issued by the Correctional Center for seat time. Obviously, juveniles in the custody of DJJ are exempted from compulsory attendance.
- Correctional Centers also allow juveniles to pursue the Individualized Student Alternative Education Program (ISAEP), which is structured to offer academic courses, workforce training, and career and technical education (CTE). Through the ISAEP, the juvenile can obtain a GED, while remaining in high school.
- Unlike other high school students, juveniles who are committed to DJJ are eligible to take the GED test without ISAEP involvement. Juveniles serving in locally-operated detention centers can also be assessed to determine whether it is feasible for the juvenile to re-enroll in school, e.g., the juvenile needs only 2 credits to graduate.
- There is a GED option for juveniles serving in adult facilities who are in the Youthful Offenders program. The Youthful Offenders program was created to provide a sentencing alternative to divert young offenders from long prison sentences.
- For the juvenile seeking meaningful employment, a GED without career training can be regarded as almost the equivalent of dropping out of school.

For Research/Consideration

- Investigate Program Restart.

ISSUE 2

Transition planning does not always happen within the regulatory timeframes; there may be a lag in transmitting the juvenile's record and in the development of the plan.

- Typically, DJJ, DCE and local school division staff responsible for the juvenile's re-enrollment do not consciously choose not to follow the re-enrollment regulations; rather, everyone is in a rush to get the juvenile re-enrolled in school.
- There is a systemic problem with involving everyone in a timely fashion. It is critical that all of the systems work together. DJJ, for example, does not always notify DCE staff right away about a juvenile's release date. This can throw off re-enrollment timeframes.

- Re-enrollment practices vary, depending on the Correctional Center and how quickly the staff contacts the school division. Also, Correctional Center staff may not consistently contact the same person: sometimes it is the principal; other times, the special education coordinator.
- The probation officer may not be involved in the re-enrollment meeting.
- Schools have 30-days notice of re-enrollment. Once DJJ notifies DCE staff of a juvenile's pending release, DCE staff formulates a preliminary re-enrollment plan and invites the re-enrollment coordinator at the receiving school to meet. The preliminary plan is subsequently sent to the school.
- The delay in re-enrollment may also be impacted by graduated sentences.
- Practices may vary among school divisions. For example, in some school divisions, the juvenile's information is sent to the Office of Juvenile Conduct. School division staff may meet with the juvenile, their caregiver, and the re-enrollment team, but the receiving school often does not receive this information in a timely fashion. There are many tiers of staff in the school division. This is regarded an internal, school division issue.
- The school re-enrollment coordinator, who may not have the policies in writing, may make re-enrollment decisions without involving the principal because the "policies are in their head." For example, in Richmond, 70 kids were released, but only a small percentage had formal re-enrollment.
- The Department of Education (DOE) provides training and procedures for the CSU staff, school re-enrollment coordinators, and DCE staff.
- Pursuant to the re-enrollment regulations, every school division has posted its re-enrollment coordinators on the DOE website. The juvenile's information is then sent to the appropriate person by the Correctional Center. There is an assigned point of contact and a specific time period for re-enrollment.
- Norfolk has a transition program for juveniles returning from DJJ. Norfolk offers a credit recovery program, as well as re-enrollment transitional classroom, so that the juvenile does not have to be abruptly placed into a classroom mid-year. Norfolk also utilizes a court liaison program funded with VJCCCA funds to monitor juveniles returning from DJJ.
- As prescribed, Norfolk receives 30 days notice of the juvenile's return from DJJ, along with the juvenile's transcript/IEP and re-enrollment plan. Receiving information electronically speeds up the process.
- A juvenile coming to DJJ in mid-semester is referred to Re-Start to recover and/or catch up on credits.
- Communities in Schools programs are not always included in the transition process.

For Research/Consideration

- Obtain data on how many juveniles subsequently dropout of school after re-enrollment, then determine how many are adjudicated delinquent or are status offenders.
- Conduct a survey of re-enrollment coordinators to identify the problems/solutions they experience.
- Review the system to determine what impedes the re-enrollment process, as well as timely involvement of the identified parties.
- Investigate the need for additional training for DJJ, DCE and schools.
- Collect data on the number of re-enrollment meetings by school division.
- Investigate policies and guidance correctional centers and school divisions that encourage utilization of electronic means/email for transferring the juvenile's records.
- Research a System of Care approach for juvenile re-entry.

ISSUE 3

A juvenile returning from DJJ may have difficulty re-enrolling in school because they were served in foster care prior to their commitment and there is no assigned guardian or caregiver once they are released. DJJ no longer has custody and, in theory, custody reverts to the Department of Social Services (DSS). The youth, however, may have aged out of foster care and not be eligible for independent living services.

- DSS is out of the loop while the juvenile is in the custody of DJJ because DSS transfers custody of the juvenile to DJJ when the juvenile is committed.
- DSS has 4 weeks to process a new case, which can be problematic for juveniles returning to the foster care system. Moreover, this typically does not occur concurrently with the juvenile's re-enrollment in school. There is also a question as to who has the authority to re-enroll the juvenile if DJJ is releasing the juvenile and DSS no longer has the juvenile in custody.
- While the juvenile is in the custody of DJJ, the parents may disappear and DSS may be reluctant to help until juvenile is in their custody. However, this may not be what will occur and it may be contrary to the best interests of the juvenile.
- DSS may not regard these juveniles as a priority. If DSS is not notified within 4 weeks, that is one issue; however, DSS may not expedite this case if the child is an older adolescent.
- Because of the passage of the federal Fostering Care and Connections Act, DSS and DOE have formed a task force to develop a plan for carrying out the provisions of the federal law. A plan template is being developed.
- DOE is also in the process of drafting a decision brief to help assist school divisions and local departments of social services determine whether youth in foster care should remain at their home school or move. This brief will be a resource for all involved parties.

For Research/Consideration

- Assess Virginia's re-entry practices to ascertain whether DSS should be included.
- Assess whether DSS should develop expedited timeframes for case review for juveniles returning from DJJ who were previously served in foster care.
- Consider methods for encouraging DSS' continued involvement when the custody of the juvenile transfers from DSS to DJJ.

ISSUE 4

A significant percentage of juveniles leaving DJJ are older and unprepared for the workplace. Workforce development is a key issue for these juveniles.

- DCE has youth enterprise programs, which allows juveniles to take an exam to gain licensure in a particular occupation.
- DCE lists occupational barriers on its website, which is important to ensuring that a juvenile is not trained for an occupation for which he/she cannot be licensed. (DCE previously had a certified nursing assistant [CAN] program, but discontinued it when juveniles were not able to obtain jobs in that field.)
- DCE does have success with college bound programs.
- An IVC juvenile (youth with a child support obligation) may age out and not get a high school diploma or a GED.
- The Virginia Community College System (VCCS) uses career pathways, regardless of whether the juvenile has been committed to DJJ, so they can start developing a career.

- DCE helps juveniles prepare for tests. DCE also evaluates alternatives to credential attainment, such as whether the juvenile has CTE credentials, DCE also attempts to help the juvenile obtain credit for work to help juvenile meet their goals.
- Juvenile records are a barrier to college acceptance and frequently a juvenile's offense keeps him from enrolling in certain community colleges.
- Community colleges admission policies are not uniform, e.g., John Tyler Community College previously did not admit juveniles with criminal records but this has been resolved. There is not a real need for legislation; the community college may only need guidance regarding the impact of refusing admission to juveniles.
- Section 16.1-308 of the *Code of Virginia* prohibits the imposition of barriers to juveniles returning from DJJ and specifies that previous adjudications should not be a barrier to public-sector employment.
- Post Dispositional (Post-D) programs are extremely effective. These are locally-administered and entirely funded with local funds. The Post-D Program is a long-term program (up to six months) which allows juveniles aged 14-17 to serve their sentence in their local detention center while receiving local treatment services designed to address the reason for court involvement. This program of local confinement, treatment services, and release plans will increase the juvenile's awareness of the consequences of delinquent activity; balance the community's needs with the resident's future involvement with the resident court system, and reduce the percentage of residents with juvenile court records from entering the adult correctional system. Detention Superintendents authorize work release for juveniles in detention/Post-D programs. However, they must not be burdened with more responsibility in light of the recent the budget cuts they have experienced.
- Juveniles may age out of school; however, they are eligible to receive educational services through age 20.
- When their child is returning to the school, caregivers may not inform the school that their child previously had an Individualized Education Program (IEP).

Current practices

- Virginia has very effective Post-D programs, but these have been cut in recent years. Many of these programs do not receive any state support. Chesterfield County has a very effective Post-D program which allows the juvenile to participate in work release and transition back to their home community.
- Roanoke Valley has literacy coordinators in its schools, a model which could be adapted and replicated.
- A website could be created to share information with juveniles about careers, educational requirements for these careers and resources for pursuing them. As example, one locality worked to get the juvenile into a horseshoeing program. It was noted that the juvenile typically will need help with this, specifically with how to look at a community college website and identify programs.
- New River Community College utilizes the Middle College concept, which assists a juvenile in transitioning from high school into community college. Five colleges participated in this program; however, budget cuts have reduced the program.
- A Middle College program can also effective in providing support and otherwise serving a juvenile who has dropped out of school and wants to return.
- Career Coaches are very effective in working with both the high school counselor and the juvenile who may not have the grades for a 4-year university, but who desires additional education/training.

For Research/Consideration

- Assess Virginia's Middle College programs and research funding history, as well as new funding for this program.

- Assess Virginia's existing locally-administered Post-D programs and funding for this program.
- Evaluate the need/feasibility of developing a website which provides information to juveniles regarding careers and career development.
- “Ban the box” for hiring procedures. Consider not excluding juveniles from a job unless the offense is directly tied to the occupation or present a health and safety risk.

ISSUE 5

There is confusion about the confidentiality of juvenile records. Frequently a juvenile’s record is sent to the Department of Motor Vehicles (DMV) when juvenile’s driver’s license is suspended. The juvenile’s record “attaches” to their DMV record. However, when the juvenile returns to the community, their criminal record is still accessible.

- There is no consistency in purging juvenile records. This is particularly problematic for juveniles charged with misdemeanors when those charges are dismissed. This action may not be reflected in the juvenile’s record and can adversely impact a juvenile. There is a need to expunge records so employers cannot obtain the juvenile’s prior records. These records may be transmitted to DMV and never purged, which is how employers gain access to them.
- There is confusion about the check-off box on both college and employment applications: does the juvenile check YES or NO if they were adjudicated of a felony? What box is checked for colleges? There needs to be balance between public safety (UVA and VA Tech incidents) and giving the juvenile a second chance.

For Research/Consideration

- Assess existing record requirements and establish guidelines purging juvenile records after the juvenile’s adjudication date.
- Assess the process by which DMV receives a juvenile’s records and establish a process for purging juvenile records from the DMV system.

Adjourn

Ms. Atkinson advised the Subcommittee that information about future Advisory Group and Subcommittee meetings would be sent via email. She thanked the members for their interest and assistance. The meeting adjourned at approximately 2:45 p.m.